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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/077,443	02/15/2002	Timothy C. Loose	47079-0115	3128
70243	7590	01/14/2008		
NIXON PEABODY LLP 161 N CLARK ST. 48TH FLOOR CHICAGO, IL 60601-3213			EXAMINER JONES, SCOTT E	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 01/14/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/077,443

Applicant(s)

LOOSE ET AL.

Examiner

Scott E. Jones

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-9,51,52 and 54-68 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3-9,51,52 and 54-56 is/are allowed.
- 6) ☒ Claim(s) 57,59-64,66 and 67 is/are rejected.
- 7) ☒ Claim(s) 58 and 65 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/27/07; 12/29/07</u> .                                      | 6) <input type="checkbox"/> Other: _____                          |

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## **DETAILED ACTION**

### ***Response to Amendment***

1. This office action is in response to the amendment and Request for Continued Examination filed on 10/30/07 in which applicant add new claims 57-68. Claims 1, 3-9, 51-52, and 54-68 are pending.

### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 10/30/07 has been entered.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 57 and 59-63 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Davids (U.S. 4,517,558).

Davids discloses a video slot machine that simulates the rotation of mechanical reels of a slot machine on a display screen. Davids discloses:

Regarding claim 57:

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- a display region (video screen 12) including at least one curved display surface (video screen 12 is a CRT with a curved display surface as shown in Figure 1); and
- an image display for producing images of game indicia (22)(24)(26) defining an outcome of the slots game (1:51-63 and Figs. 1 and 2), wherein the image display projects the images onto the at least one curved display surface (see above).

Regarding claim 59:

- wherein the game indicia (22)(24)(26) comprise one or more reel symbols (1:51-63 and Figs. 1 and 2).

Regarding Claim 60:

- wherein the at least one curved display surface is stationary (the CRT does not move), and reel symbols are projected onto and caused to move across the at least one curved display surface in response to a wager input from a player (by electron gun (shown but not labeled in fig. 1 onto display) screen) (1:51-63 and Figs. 1 and 2). The video display screen simulates and gives an illusion that mechanical reels are spinning (Abs. and 2:14-18). Furthermore, initiating a wagering game in response to a wager input by a player is inherent to operating a wagering or gaming machine.

Regarding Claim 61:

- the image display is a CRT (see discussion above).

Regarding Claim 62:

- further comprising a panel (the frame shown in fig. 1 or mask (42) shown in fig. 2) located between the at least one curve display surface and a player, the at least one curved display surface being visible through the panel.

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Regarding Claim 63:

Wherein the images comprise one or more animations (see discussion regarding claim 60). A simulation of mechanical reels on a video display is an animation.

5. Claims 64, 66 and 67 are rejected under 35 U.S.C. 102(b) as being anticipated by Chadwick (GB 2,253,299).

Chadwick discloses a gaming machine having a display screen (3) that shows images of symbols and a pseudo reel (4) having a mechanical frame means (9,10) defining a series of windows containing symbols displayed on the screen(s). The images of the symbols formed on the screen (3) may be synchronized with the movement of the frame means (9, 10). Chadwick discloses:

Regarding Claim 64:

- a mechanical reel (9, 10) comprising a curved display surface (display 3) (Fig. 2, p. 5, lines 1-12, and p. 8 lines 8-15);
- an image display device configured to project images onto the curved display surface, the images including a plurality of symbols that indicate at least a portion of a randomly selected outcome of the slots game (Fig. 2, p. 5, lines 1-12, and p. 8 lines 8-15).

Regarding Claim 66:

- further comprising a panel (mechanical reel 9, 10) between the curved display surface and a player, the at least one curved display surface being visible through the panel (see Fig. 2).

Regarding Claim 67:

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- wherein the images comprise one or more animations. Simulating a mechanical slot reel on one or more displays as discussed on p. 3 lines 6-14 is at least one animation.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 68 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chadwick.

Chadwick discloses that as discussed above with regards to Claims 64, 66 and 67.

Regarding claim 68, Chadwick does not appear to explicitly disclose the image display device is disposed behind the curved display surface. However, it would have been obvious to one having ordinary skill in the art at the time of Applicant's invention to place a plastic screen to cover both the display screen and the mechanical reel to reduce player tampering and to decrease the maintenance costs associated with players touching the mechanical reels or display(s). Doing so, gaming operators would only need to change the plastic screen if it becomes dirty or scratched.

***Allowable Subject Matter***

8. Claims 1, 3-9, 51-52, and 54-56 are allowed as discussed in Office Action dated 9/25/07.

9. Claims 58 and 65 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (571) 272-4438. The examiner can normally be reached on Monday - Friday, 8:30 A.M. - 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Scott E. Jones/  
Primary Examiner  
Art Unit 3714

SEJ